

APPEAL NO. 022356
FILED OCTOBER 30, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on August 14, 2002. The hearing officer resolved the disputed issues by deciding that the appellant's (claimant) compensable injury does not extend to include a right shoulder injury and that the claimant sustained disability beginning December 10 and ending December 26, 2001. The claimant appeals both the extent-of-injury and disability issues, arguing that the hearing officer's determinations are against the great weight and preponderance of the evidence. The claimant maintains that disability continues through the date of the CCH. The respondent (self-insured) responds, urging affirmance.

DECISION

Affirmed as reformed.

We reform Conclusion of Law No. 3 and the decision to reflect that the date of the claimant's compensable injury was _____.

The hearing officer did not err in determining that the claimant's compensable injury does not extend to and include an injury to the right shoulder; and that he sustained disability as a result of the compensable injury from December 10 through December 26, 2001. Those issues presented questions of fact for the hearing officer. Texas Workers' Compensation Commission Appeal No. 93613, decided August 24, 1993. Section 410.165(a) provides that the hearing officer is the sole judge of the weight and credibility of the evidence. As the fact finder, the hearing officer resolves the conflicts and inconsistencies in the evidence and determines what facts the evidence has established. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). The hearing officer was acting within her province as the finder of fact in determining that the claimant did not sustain his burden of proof on either the extent-of-injury or disability issue. Nothing in our review of the record demonstrates that the challenged determinations are so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to disturb those determinations on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the decision and order of the hearing officer as reformed.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**MM
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Margaret L. Turner
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Michael B. McShane
Appeals Judge